IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

LA.App..No. 358 of 2003(D)

LAR.228/1999 of SUB COURT, HOSDRUG
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APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

RESPONDENTS: CLAIMANT
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1. SMT.LAXMI, W/O. KINJIRAMAN,
KUTHIRUMMEL HOUSE, PUTHIYAKODI, P.O.BEKAL.

2. THE MANAGING DIRECTOR, BRDC
CORPORATION LTD., TRIVANDRUM.

ADDL.R3 IMPLEADED:

*3. BEKEL RESORTS DEVELOPMENT CORPORATION LTD.,
REPRESENTED BY MANAGING DIRECTOR,
'KALPANA', T.C.4/1289/1289, KURUVANKONAM,
KOWDIAR P.O., THIRUVANANTHAPURAM

*IMPLEADED AS ADDITIONAL R3 AS PER THE ORDER DT.27-9-2007
IN C.M.P.NO.1923/2003

BY ADV. SRI.V.N.RAMESAN NAMBISAN
SRI.M.RAMESH CHANDER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO. 261/2004 IN L.A.A.NO. 358/2003

DISMISSED.

27-9-2007 SD/- KURIAN JOSEPH, JUDGE

SD/- HARUN-UL-RASHID, JUDGE

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.358 of 2003

Dated this the 27th day of September, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.228/1999 on the file of the Sub Court, Hosdurg. The acquisition is for the purpose of Bekel Tourism Project. The learned Government Pleader vehemently contended that the enhancement granted by the reference court at the rate of Rs.1,143/- per cent is without any basis. It is contended that though it was found that Exts.A1 and A2 are not similar and comparable, the reference court relied on those documents and granted enhancement. We are afraid those contentions cannot be appreciated. According to the Commissioner the property covered by the acquisition is superior to the other properties acquired in the locality. It is also reported that the Fisheries High School and 18 shops including hotels, and two temples are situated within 500 metres from the claimant's property. It was also noted by the reference court that the requisitioning authority

did not have any dispute that the acquired property is a three crop paddy field. Still further it was noted that Exts.A1 and A2 properties are situated away from the acquired property and to reach those properties, one has to go through the acquired property. It has also come out in evidence that there was a road about 200 metres north of the acquired land whereas there was no road access to the basic land. It was taking note of all these factors relevant for just fixation of the market value, the reference court refixed the value at Rs.4,000/- per cent granting only a reasonable enhancement of Rs.1,143/- per cent. Thus we do not find any merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.358 of 2003

JUDGMENT

27th September, 2007